

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Original) A method of evaluating a quality of foods and drinks, characterized in that a microorganism of a nature producing a gas is sealed in a closed transparent vessel or transparent soft film bag of a synthetic resin and a quality of foods and drinks to be judged is judged by an amount of gas produced in the vessel or bag.

2. (Original) A method of evaluating a quality of foods and drinks according to claim 1, wherein the microorganism of a nature producing a gas is an aerogen.

3. (Original) A method of evaluating a quality of foods and drinks according to claim 2, wherein the aerogen is any one of yeast, mold and bacterium.

4. (Currently Amended) A method of evaluating a quality of foods and drinks according to claim 2 ~~or 3~~, wherein the aerogen produces CO<sub>2</sub> and H<sub>2</sub> accompanied with the formation of an acid mainly from a carbohydrate above a temperature starting the proliferation.

5. (Original) A method of evaluating a quality of foods and drinks according to claim 1, wherein a standard bubble size indicating a degree of quality is previously printed on a surface of the vessel or soft film bag of the synthetic resin.

6. (Original) A method of evaluating a quality of foods and drinks according to claim 5, wherein the standard bubble size printed is a degree of bubble size corresponding to putrefaction risk period, care period or safe period.

7. (Original) A method of evaluating a quality of foods and drinks according to claim 1, wherein the microorganism is a microorganism derived from the foods and drinks to be judged and is sealed in the vessel or the bag.

8. (Original) An indicator for evaluating a quality of foods and drinks in which a microorganism having a nature of producing a gas is filled and sealed in a closed transparent vessel or transparent soft film bag of a synthetic resin together with a substrate.

9. (Original) An indicator for evaluating a quality of foods and drinks according to claim 8, wherein the microorganism of a nature producing a gas is an aerogen and the substrate is a culture fluid and/or a culture medium of the aerogen.

10. (Original) An indicator for evaluating a quality of foods and drinks according to claim 9, wherein the aerogen is any one of yeast, mold and bacterium.

11. (Currently Amended) An indicator for evaluating a quality of foods and drinks according to claim 9 ~~or 10~~, wherein the aerogen produces CO<sub>2</sub> and H<sub>2</sub> accompanied with the formation of an acid mainly from a carbohydrate above a temperature starting the proliferation.

12. (Original) An indicator for evaluating a quality of foods and drinks according to claim 8, wherein a standard bubble size indicating a degree of quality is previously printed on a surface of the vessel or soft film bag of the synthetic resin.

13. (Original) An indicator for evaluating a quality of foods and drinks according to claim 12, wherein the standard bubble size printed is a degree of bubble size corresponding to putrefaction risk period, care period or safe period.

14. (Original) An indicator for evaluating a quality of foods and drinks according to claim 8, wherein the microorganism is a microorganism derived from the foods and drinks to be judged and is sealed in the vessel or the bag.

15. (New) A method of evaluating a quality of foods and drinks according to claim 3, wherein the aerogen produces CO<sub>2</sub> and H<sub>2</sub> accompanied with the formation of an acid mainly from a carbohydrate above a temperature starting the proliferation.

16. (New) An indicator for evaluating a quality of foods and drinks according to claim 10, wherein the aerogen produces CO<sub>2</sub> and H<sub>2</sub> accompanied with the formation of an acid mainly from a carbohydrate above a temperature starting the proliferation.